

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE COMPANIES

PART 731
WHOLESALE SERVICE QUALITY
TELECOMMUNICATIONS CARRIERS

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AUTHORITY: Implementing Section 13-712(g) of the Public Utilities Act [220 ILCS 5/13-712(g)]

SUBPART A: GENERAL

Section 731.100 Purpose and Application of Part

This Part governs carrier to carrier wholesale service quality standards and remedies in accordance with Section 13-712(g) of the Public Utilities Act (220 ILCS 5/13-712(g)). Unless otherwise indicated, the provisions of this Part are applicable to all providers of Wholesale Service to the extent that they are providing Wholesale Services.

Section 731.105 Definitions

“Act” or “PUA” means The Public Utilities Act (220 ILCS 5/1-101 et seq.).

“Business Day” means Monday through Friday, inclusive, excluding weekends and holidays observed and published by the providing carrier.

“Carrier” means a telecommunication carrier as defined in Section 13-202 of the Act (220 ILCS 5/13-202).

“Carrier to carrier wholesale service quality” means the quality of telecommunications services, measured pursuant to the Standards and Measures adopted in this Part, that one telecommunications carrier sells or provides to another telecommunications carrier for the sale to end users of basic local exchange service in Illinois.

“Collocation” means the manner in which a carrier can locate its network equipment within the central office of another carrier.

“Commission” means the Illinois Commerce Commission.

“Customer Service Record” or “CSR” means account information that a providing carrier maintains about an end user and includes, but is not limited to the billing name, service address, billing address, service and feature subscription, directory listing information, and long distance carrier identity for the end user. A CSR shall not be requested until after the requesting carrier is in receipt of an authorization or verification pursuant to Section 13-902 and 903 of the PUA,

“Firm Order Confirmation” or “FOC” means the document or electronic record by which a Provisioning Carrier notifies a Requesting Carrier that the service order has been received and what due date has been assigned.

“Interconnection Trunks” means a network facility used to interconnect two switches of different carriers.

“Local Exchange Carrier” or “LEC” means a carrier certificated by the Commission to provide telecommunications service between points within an exchange.

“Local Loop” means a transmission facility between a distribution frame (or its equivalent) in a carrier’s central office and the loop demarcation point at an end-user customer premises.

“Loss Notification” means the notice or notification given to a Requesting Carrier that uses the Provisioning Carrier’s facilities to offer service to its end user when the end user of the service decides to switch its service to the Provisioning Carrier or to another carrier. This notification is sent from the Provisioning Carrier to the losing carrier to notify them that they have lost the end user customer. Typically, this notification is the mechanism through which the losing carrier obtains information to know that it should cease billing the end user for a given service that one carrier sells or provides to another carrier, as a component of, or for the provision of, telecommunications service to end users.

“Maintenance and Repair” means the actions taken or functions used to create trouble reports, view status history, receive proactive status reports, and clear and close trouble reports.

“Provision” means to supply telecommunications service to a user.

“Provisioning” means the functions used to manage and monitor an order during the period between the order placement and order completion.

“Provisioning Carrier” means the carrier providing, committing, or offering to provide a Wholesale Service to another carrier.

“Reject Notice” means a method by which a carrier notifies a requesting carrier that a service request or order is rejected.

“Remedy” means a payment or credit from one carrier to another carrier for failure to provide Wholesale Services at the standard prescribed per Section 731.610.

“Requesting Carrier” means the carrier requesting, ordering or receiving a Wholesale Service from another carrier.

“Resold Local Services” means the sale, for purposes of resale, of a complete telecommunications path (i.e., switch, port, and loop) and associated support (e.g., 911, OS/DA) by carrier to another carrier.

“Standard” means the minimum rate or level at which the service provided from the Provisioning Carrier to the Receiving Carrier is to be measured against.

“Telecommunications Act” means the Telecommunications Act of 1934 as Amended by the Telecommunications Act of 1996.

“Trouble Report” shall have the meaning ascribed to such term in Code Part 730 (83 Ill. Admin. Code Part 730).

“Unbundled Local Loop” means the physical connection from the end user’s premise to the carrier’s point of presence, excluding switching or ports, provided by one carrier to another carrier.

“Unbundled Loop Return” means the release for reuse by a carrier, an unbundled local loop to a different carrier when the subscriber, whose local telephone service resides on the unbundled loop, authorizes a change in its local telephone service to a different carrier.

“Wholesale Out of Service” means a situation in which the Wholesale Service can not be used for its intended function. “Out of Service” does not include a situation in which the basic Wholesale Service is still operational but there are extra features that are not working (e.g., for dial tone wholesale services a line is not Out of Service if the call blocking feature is not working but the line has dial tone and can be used to receive and place calls). For other wholesale services a line is out of service when the circuit is incapable of transporting voice and/or data.

“Wholesale Service” means any telecommunications service subject to the Commission’s jurisdiction that one carrier sells or provides to another carrier, as a component of, or for the provision of, basic local exchange service to end users.

“Wholesale Service Emergency Situation” means a single event that causes an interruption of service or installations affecting Wholesale Service provided by a carrier. The emergency situation shall begin with the first carrier whose Wholesale Service is interrupted by the single event and shall end with the restoration or installation of the service of all affected carriers. The term “single event” shall include:

- a declaration made by the applicable State or federal governmental agency that the area served by the local exchange carrier is either a State or federal disaster area; or

- an act of third parties, including acts of terrorism, vandalism, riot, civil unrest, or war, or acts of parties that are not agents, employees or contractors of the local exchange carrier, or the first 90 calendar days of a strike or other work stoppage; or

- a severe storm, tornado, earthquake, flood or fire, including any severe storm, tornado, earthquake, flood or fire that prevents the local exchange carrier from restoring service due to impassable roads, downed power lines, or the closing off of affected areas by public safety officials.

The term "Wholesale Service Emergency Situation" shall not include:

- a single event caused by high temperature conditions alone; or

- a single event caused, or exacerbated in scope and duration, by acts or omissions of the local exchange carrier, its agents, employees or contractors or by the condition of facilities, equipment, or premises owned or operated by the local exchange carrier who is claiming that the interruption of service is due to an Emergency Situation; or

- any service interruption that occurs during a single event listed above, but are not caused by those single events; or

- a single event that the local exchange carrier who is claiming that the interruption of service is due to an Emergency Situation could have reasonably foreseen and taken precautions to prevent; provided, however, that in no event shall such carrier be required to undertake precautions that are technically infeasible or economically prohibitive.

Section 731.420 Effect of Interconnection Agreements

If a carrier is providing Wholesale Service to another carrier pursuant to an interconnection agreement and those carriers have negotiated the interconnection agreement or an amendment to the interconnection agreement after the effective date of this Part which expressly references this Section and purports to amend any of the standards or requirements of this Section, then the standards and requirements contained in this Section shall not apply if, and to the extent, so provided in the interconnection agreement or amendment.

Section 731.430 Voluntary Plans and Waivers

A carrier subject to the rule herein may agree to implement a plan of performance measurements, standards, and/or remedies that meets or exceeds the measurements, standards or remedies provided by the rule herein. The carrier implementing such an alternative plan may petition the Commission for a waiver of the application of part or all of this rule during the period that the alternative plan is in effect. Upon demonstration that the alternative plan meets or exceeds the measurements, standards, and/or remedies provided by the rule, the Commission shall grant a waiver of the rule in whole or in part.

Section 731.440 Effect of Section 251(c)

Nothing in these rules shall be deemed to reduce a carrier's obligations, if any, under Section 251(c) of the Telecommunications Act of 1996.

SUBPART B: OBLIGATIONS OF CARRIERS

Section 731.600 Minimum Wholesale Service Quality Standards -- Services Covered

Services Covered. Unless otherwise indicated in these rules, carriers shall be subject to wholesale service quality standards as provided below for the following services, to the extent the carrier offers or provides the service:

- a) Unbundled Local Loops;
- b) Unbundled Loop Return
- c) Number Porting
- d) Interconnection Trunks;
- e) Resold Local Services;
- f) Collocation;
- g) Loss Notification; and
- h) Customer Service Record

Section 731.605 Measures and Standards

Included below are the minimum standards for the services covered under the Rule that all carriers must comply with. A valid statistically-based parity measure may be employed by a carrier providing these wholesale services, at the carrier's option, in place of the measures and standards set forth herein. Should a carrier have different requirements as part of a separate commission-approved voluntary plan and waiver pursuant to Section 731.430, those standards will prevail and must be used for assessing compliance with this Rule.

- a) Firm Order Confirmations - Carriers shall provide FOCs or reject notices for Wholesale Services within the following timeframes, as measured from the time of receipt of an accurate and complete service request to the return of a FOC or reject notice:
 - 1) Unbundled Local Loops
 - (a) within 24 hours (for 1-19 loops)
 - (b) within 48 hours (for 20 or more loops)
 - 2) Unbundled Loop Return
 - (a) within 24 hours (for 1-19 loops)
 - (b) within 48 hours (for 20 or more loops)
 - 3) Number Porting
 - (a) within 24 hours (for 1-19 loops)
 - (b) within 48 hours (for 20 or more loops)
 - 4) Interconnection Trunks
 - within 10 business days
 - 5) Resold Local Services
 - within 24 hours

6) Collocation

within 10 business days

- ?? The start time for requests received after the end of the business day will be the beginning of the next business day.
- ?? There are two types of reject notices that may be issued by a carrier: syntax, which occur if required fields are not included in a service request; and content, which occur if invalid data is provided in a field.
- ?? A rejected service request must be corrected and resubmitted before provisioning can begin.

b) Provisioning - Carriers shall provision wholesale services within the following timeframes, as measured from the time of receipt of a complete and accurate service request to completion of the requested service:

- 1) Unbundled Local Loops within 5 business days
- 2) Interconnection Trunks within 30 business days
- 3) Resold Local Services within 5 business days
- 4) Collocation within 90 business days

- ?? The required due date is the later of: (1) the last day of the interval set forth above; or the provisioning date requested by the wholesale customer.
- ?? The provisioning intervals, above, will not apply if the Carrier demonstrates that the request(s) is not technically feasible and/or that the requested facilities are not available.
- ?? When a loop must be conditioned to remove bridge taps and load coils in order to provide a digitally capable loop or HFPL, the providing carrier must provide the conditioned (digitally capable) loop or HFPL within 8 days of receipt of an accurate and complete service request, rather than within 5 days as set forth above. However, provisioning intervals do not apply to digitally capable loops and HFPL when conditioning of the loop to meet the request would result in a significant degradation of the voiceband service that the Level 2 carrier is providing over that same loop.

c) Maintenance and Repair - Carriers shall clear Wholesale Out of Service trouble reports within the following intervals, as measured from the time of receipt of an accurate and complete trouble report to the time the trouble report is cleared:

- 1) Unbundled Local Loops within 24 hours
- 2) Interconnection Trunks within 8 hours
- 3) Resold Local Services within 24 hours
- 4) Collocation within 8 hours

- ?? Non-Out Of Service (i.e., "service affecting") trouble reports must be cleared by the end of the next business day after receipt of non-Out Of Service trouble report.
- ?? For a trouble report to be considered complete, the Receiving Carrier must provide the Provisioning: 1) the end-user customer's telephone number, 2) the Provisioning Carrier's circuit identification number; 3) a detailed description of the trouble conditions and other trouble prescreening information.
- d) Loss Notifications – Provisioning Carriers shall provide Loss Notifications within one business day of the date on which the service was switched to the new Receiving Carrier.
- e) Customer Service Record – Carriers shall provide CSRs to Carriers requesting the CSR within 24 hours.
- f) The standards set forth in these rules will not be considered to be violated for the period of delay if such delay is due to the following:
- 1) as a result of a negligent or willful act on the part of the wholesale customer;
 - 2) as result of a malfunction of equipment owned or operated by the wholesale customer;
 - 3) as a result of, or is extended by, a whole sale service emergency situation;
 - 4) as a result of the wholesale customer missing an appointment, provided that the violation is not further extended by the carrier;
 - 5) as a result of a wholesale customer request to change the scheduled appointment, provided that the violation is not further extended by the carrier;
 - 6) as a result of a carrier's right to refuse service to a wholesale customer as provided in an interconnection agreement, tariff or under applicable federal or state law; or
 - 7) as a result of a lack of facilities where a wholesale customer requests service at a geographically remote location, a wholesale customer requests service in a geographic area where the carrier is not currently offering service, or there are insufficient facilities to meet the wholesale customer's request for service, subject to carrier's obligation for reasonable facilities planning and the wholesale customer's obligation for forecasting.

Notwithstanding anything to the contrary in these rules, in those situations where a standard cannot be satisfied at all as a result of the occurrence of any of the causes identified in clauses 1) through 7) above, the failure to

satisfy such standard shall not be deemed to be a violation of the applicable standard set forth in this Subpart.

Section 731.610 Remedies

Included below are the remedies to be provided under this Rule for failure to meet the performance standards defined in Section 731.605 for the Services defined in Section 731.600. Should a carrier have different remedy requirements as part of a separate commission-approved voluntary plan, those standards will prevail and must be used for assessing compliance with this Rule.

- a) If a Carrier fails to comply with Section 731.605 of this Part, it shall provide credits or payments to the impacted Carrier in the following amounts for each occurrence in excess of the applicable percentage standard:

For Firm Order Confirmation and Reject Notice Failures, Provisioning Carriers provide credits or payments to the Receiving Carrier equal to 20% of the monthly recurring charge for the service covered in Section 731.605(a) of this Part, or \$1 per failure when there is no charge for the covered service.

For Provisioning Failures - Provisioning Carriers shall provide credits to the Receiving Carrier equal to 20% of the monthly recurring charge per business day of delay beyond the FOC due date for the services covered in Section 731.605(b) of this Part.

For Maintenance and Repair Failures - Provisioning Carriers shall provide credits to the Receiving Carrier equal to 20% of the monthly recurring charge per day of delay beyond the standard for the services covered in Sections 731.605(c)(1) and 731.605(c)(3) of this Part and 10% of the monthly recurring charge per every 8 hours of delay beyond the standard for the services covered in Sections 731.605(c)(2) and 731.605(c)(4) of this Part.

For Loss Notification Failures - Provisioning Carriers shall provide a credit of \$1 per failure.

For Customer Service Record Failures - Carrier requested to provide the CSR shall provide a credit of \$1 per failure.

Section 731.615 Review

All carriers must participate in a biennial review of these rules. Any proposed changes to these rules must be submitted to the Commission for review and approval. To the extent the Commission finds these rules should be revisited for any reason prior to the end of a biennial period, the Commission may initiate a proceeding to update or amend the previously approved rules. Additionally, if any carrier seeks modification to the approved rules on an interim basis, they may file a petition originating a proceeding at any time.

Section 731.620 Reporting

To the extent that a Carrier has different performance reporting requirements resulting from a Commission-approved voluntary plan and waiver pursuant to Section 731.430, those reporting obligations will prevail and must be used to comply with this Rule.

- a) Each Carrier shall report monthly results on a quarterly basis to the Illinois Commerce Commission. At a minimum, the information reported shall include:
 - 1) The total dollar amount of wholesale service quality credits on a per measure basis.
 - 2) Any credit amounts under protest by purchasing carriers.
 - 3) Level of performance on an aggregate basis by measure (or as a whole with respect to all measures for service provided to all wholesale customers).
 - 4) Top 3 carriers receiving wholesale service quality credits from the carrier.
- b) Each Carrier shall also report monthly data on a quarterly basis to carriers purchasing wholesale services. At a minimum, the monthly data shall include the number of reportable transactions, the number of instances in which standards contained in Section 731.605 were not met, and calculations supporting remedies paid as a result of Section 731.610.
- c) Each carrier shall provide to the Commission a business rule document for each measure they report on a biennial basis. These business rule documents shall be sufficient to describe what is being reported by the measure, and compliant with the standards set out in Section 731.605. The business rules shall include an applicable title, detailed definition, any exclusions, levels of disaggregations and the specific calculation methodology used by the carrier.

Section 731.625 Auditing

Carriers purchasing wholesale services from a carrier may request an independent audit of the reported results. To the extent the independent audit confirms the specific concern of the carrier purchasing wholesale services from a carrier, as specifically identified in writing to the carrier prior to requesting the audit, the carrier shall be responsible for the cost of the independent auditor associated with the specific concern identified in writing prior to the audit. If the independent auditor does not confirm the concern of the carrier purchasing wholesale services from a carrier, the carrier purchasing wholesale services will be responsible for the cost of the independent audit. Any dispute over payment of audit costs will be resolved by the Illinois Commerce Commission. Audits of a carrier's records shall be limited to no more than 2 per calendar year, unless otherwise authorized by the Illinois Commerce Commission.

Unless otherwise authorized by the Commission, a carrier shall make all records required by this rule available to the Commission or its authorized representatives at any time upon request. A carrier shall make customer proprietary network information available to the Commission to the extent allowed by law. A carrier shall retain all records required by this rule for at least three (3) years.